

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

PAUL THOMAS GABRIEL,

Petitioner,

Case No. 2:25-cv-11768

v.

U.S DISTRICT COURT JUDGE
GERSHWIN A. DRAIN

KIM CARGOR,

Respondent.

**OPINION AND ORDER (1) DENYING THE APPLICATION TO
PROCEED IN FORMA PAUPERIS, (2) DISMISSING THE HABEAS
PETITION AND (3) DENYING A CERTIFICATE OF APPEALABILITY**

Michigan prisoner Paul Thomas Gabriel (“Petitioner”) submitted a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 and an application to proceed *in forma pauperis* (IFP). Petitioner’s certificate of prisoner institutional/trust fund account activity states that he had a current spendable account balance of \$748.08 in his prison account as of March 17, 2025, when an administrative officer of the Michigan Department of Corrections certified his financial statement. ECF No. 2, PageID.252. The Court concludes from the financial data provided that Petitioner has not established indigence and that he can pay the \$5.00 filing fee for this action. *See* 28 U.S.C. § 1914(a). Accordingly, the Court **DENIES** the application to proceed *in forma pauperis* and **DISMISSES**

WITHOUT PREJUDICE the petition for a writ of habeas corpus. The Court is required to dismiss the case because the allegation of poverty is untrue. 28 U.S.C. § 1915(e)(2)(A). Petitioner may submit a new habeas petition with payment of the filing fee in a new case. This case will not be reopened.

Before Petitioner may appeal this decision, a certificate of appealability must issue. 28 U.S.C. § 2253(c)(1)(a); Fed. R. App. P. 22(b). A certificate of appealability may issue only if the petitioner makes “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). When a court denies relief on the merits, the substantial showing threshold is met if the petitioner demonstrates that reasonable jurists would find the court’s assessment of the constitutional claim debatable or wrong. *Slack v. McDaniel*, 529 U.S. 473, 484–85 (2000). When a court denies relief on procedural grounds, a certificate of appealability should issue if it is shown that jurists of reason would find it debatable whether the petitioner states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the court was correct in its procedural ruling. *Id.* Jurists of reason would not find the Court’s procedural ruling debatable. Accordingly, the Court **DENIES** a certificate of appealability. This case is closed.

IT IS SO ORDERED.

Dated: June 26, 2025

/s/Gershwin A. Drain
GERSHWIN A. DRAIN
United States District Judge

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
June 26, 2025, by electronic and/or ordinary mail.

/s/ Marlena Williams
Case Manager